

1 right?

2 A Yes, uh-huh.

3 Q And you read it again, didn't you?

4 A I don't know if I read it again.

5 Q Do you have a recollection of discussing this  
6 document with Dr. Crouch, before it was filed?

7 A I don't have a specific recollection of discussing  
8 it with him.

9 Q Wouldn't it have been --

10 A Probably it would have been something I would have  
11 done, but I don't really -- can't focus on a time that I  
12 really discussed it with him.

13 Q But that would have been your practice, wouldn't it?

14 A Yes.

15 Q This was a very important matter to NMTV wasn't it?

16 A Right.

17 Q Now, I want to focus you for the purposes of the  
18 next couple of questions, to section B of the document  
19 beginning on page 6. And that continues on to page 9. And  
20 please read that section to yourself carefully and then tell  
21 me when you've read it.

22 A Just 9?

23 Q No, I want you start reading on the bottom of page  
24 6, where it says --

25 A Okay.

1 Q NMTV's management, and method of operation, and read  
2 all of page 7, all of page 8, and then it ends at section --  
3 ends at the end of page 8.

4 A Yes.

5 Q Yes. Now, my question is, turning to -- referencing  
6 paragraph 9.

7 A Uh-huh.

8 Q Now, this document was filed about one month after  
9 the letter from Mr. Dunne, the letter from Mr. Dunne was dated  
10 October 1, 1991.

11 A Uh-huh.

12 Q And now we have an NMTV filing with the Commission  
13 on November 18, 1991, a request for declaratory ruling.

14 A Uh-huh.

15 Q And you --

16 A Yes.

17 Q -- and one of the sections of that document deals  
18 with the way NMTV -- NMTV's management and method of  
19 operation. And then Paragraph 9 is particularly, is  
20 describing the way your -- Reverend Aguilar's relationship to  
21 NMTV's management and method of operation, do you see that?

22 A Yes.

23 Q Okay. Now, did that paragraph 9, did it -- does it  
24 and did it state all of the important facts concerning  
25 Reverend Aguilar's performance as a Director of NMTV?

1           A     It states what he did. And I didn't agree with the  
2 number -- with Joe Dunne's letter regarding the number of  
3 Board meetings, so I think it's consistent.

4           Q     And do you think -- you think the letter was  
5 accurate -- strike that. You think paragraph 9 was accurate  
6 then?

7           A     Yes.

8           Q     And you think it was complete?

9           A     I don't know how complete it was, but I think it was  
10 accurate.

11          Q     Well, as far as the Board meetings, the number of  
12 board meetings are concerned, I think you should -- however  
13 the Judge wishes to do this, you should satisfy yourself on  
14 the accuracy of your answers, because I believe the record  
15 will reflect that as of the day that this document was filed,  
16 November 18th, that Reverend Aguilar had attended two out of  
17 five board meetings?

18               MR. TOPEL: Your Honor, I object to the  
19 characterization because what the -- the minutes that Mr.  
20 Cohen reflects is that he attended two out of five board  
21 meetings for which minutes were kept. But the witness  
22 testified that there were additional conference calls, and  
23 there was no indication of whether or not minutes were kept of  
24 those?

25               MR. COHEN: Your Honor, this is attending board

1 meetings, and I think the record will reflect what it  
2 reflects. And if the witness is going to testify differently  
3 than what's in the minutes, then I want to hear that. But the  
4 minutes that we have reflect that he attended two out of the  
5 five meetings.

6 JUDGE CHACHKIN: So what's your question, Mr. Cohen?

7 MR. COHEN: My question is do you believe it was  
8 accurate to state that he attended most Board meetings, when  
9 he attended two out of five?

10 MR. TOPEL: Your Honor, --

11 JUDGE CHACHKIN: Is there an objection?

12 MR. TOPEL: Yes.

13 JUDGE CHACHKIN: To what?

14 MR. TOPEL: Okay, I'll have to do it on re-direct  
15 then.

16 JUDGE CHACHKIN: All right, go ahead, there's a  
17 question pending, Ms. Duff.

18 MRS. DUFF: I believe that when you asked me about  
19 the attendance at Board meetings, I mentioned that there was  
20 -- there were conference calls, and that was my intention in  
21 the response. I don't know if it was reflected in that way,  
22 but that was what my intention was.

23 MR. COHEN: Very well.

24 MRS. DUFF: There were conference phone calls that I  
25 considered board meetings.

1 BY MR. COHEN:

2 Q Now, paragraph 9 says "Reverend Aguilar attends most  
3 board meetings." And I submit to you that the record reflects  
4 that he had attended two out of the five board meetings.

5 MR. TOPEL: Your Honor, now I do object. Because as  
6 the litany of minutes were read, there was also an October 2,  
7 1991 board meeting, this is page 32 of TBF Exhibit -- of Tab  
8 EE of TBF Exhibit 101. And Mr. Cohen is examining the witness  
9 on a pleading that was filed subsequent to October 2, 1991.  
10 So to be accurate, what the record reflects is that there were  
11 three out of six meetings that Pastor Aguilar attended where  
12 written minutes were taken of the meeting. And as Mr. Cohen  
13 said, the record will speak for itself as to what additional  
14 matters there were.

15 MR. COHEN: Well, I'm content with the state of the  
16 record as it, Your Honor.

17 JUDGE CHACHKIN: All right.

18 BY MR. COHEN:

19 Q You state -- strike that. Mr. Dunne stated he,  
20 meaning Aguilar, also speaks with Mrs. Duff periodically about  
21 NMTV business. Was that statement complete and accurate in  
22 your judgment?

23 A Yes.

24 Q And was it complete and accurate that Reverend  
25 Aguilar receives and reviews regular financial statements and

1 audited financial statements when they are prepared?

2 A He reviewed those statements when they were  
3 available at Board meetings, that's what we would do at board  
4 meetings, is review financial statements.

5 Q And Reverend Aguilar's deposition is in evidence and  
6 it will speak for itself as to what he did, and what he didn't  
7 do. But what I want to know from you, ma'am, is are you  
8 satisfied that when you read Paragraph 9, you thought that was  
9 a complete and truthful response?

10 A Yes.

11 Q And you still feel that way today?

12 A Yes.

13 Q And you thought that -- and you still think that  
14 paragraph 9 accurately describes Mr. -- Reverend Aguilar's  
15 performance as a Director of NMTV?

16 A At that point, yes.

17 MR. COHEN: Your Honor, I'd like to offer -- ask you  
18 to take official notice, if you will, of Exhibit 216.

19 JUDGE CHACHKIN: Any particular paragraphs?

20 MR. COHEN: Well, paragraph 9 is what I'm most  
21 interested in, but I think the --

22 JUDGE CHACHKIN: Are there other matters you want to  
23 --

24 MR. COHEN: No, paragraph 9 only. And paragraph 9  
25 and the caption -- I think that's the section, B. Beginning

1 on page 6.

2 JUDGE CHACHKIN: Any objection to taking official  
3 notice of --

4 MR. COHEN: Section B.

5 JUDGE CHACHKIN: -- Section B?

6 MR. TOPEL: I'd like to know for what purpose it's  
7 being offered?

8 MR. COHEN: It's being offered to impeach the  
9 witness.

10 JUDGE CHACHKIN: As to -- Reverend Aguilar?

11 MR. COHEN: Exactly.

12 MR. TOPEL: Okay, I have no objection.

13 MR. COHEN: Now, Your Honor --

14 JUDGE CHACHKIN: All right. Official notice will be  
15 taken for limited purposes indicated and Glendale Exhibit 216  
16 is received for that limited purpose.

17 (Whereupon, the document referred to  
18 as Glendale Exhibit No. 216 was  
19 received into evidence.)

20 MR. COHEN: The only remaining area of questioning I  
21 have, Your Honor, concerns the Commission's letter of March  
22 30, 1992. I note it's ten minutes to four. I can --

23 JUDGE CHACHKIN: Nobody has a copy of that, I  
24 assume, in the room?

25 MR. COHEN: Apparently not, and I apologize to you,

1 Your Honor.

2 JUDGE CHACHKIN: All right.

3 MR. COHEN: Could I have that available first thing  
4 tomorrow morning, or do you wish me to go get it now?

5 JUDGE CHACHKIN: Well, if you get it now, do you  
6 mean you're going to go back to your office and get it?

7 MR. COHEN: I'll have to, I'll have to find it.

8 JUDGE CHACHKIN: All right. There's no purpose to  
9 that, we might as well recess until tomorrow at 9:30. That's  
10 the last thing you have?

11 MR. COHEN: That's all I have. I represent that to  
12 you.

13 JUDGE CHACHKIN: All right. Under those  
14 circumstances, it wouldn't make much sense for the Bureau to  
15 begin, it's ten minutes to four now, or nine minutes to four.

16 MR. TOPEL: Your Honor, I'd like to raise a timing  
17 matter off the record.

18 JUDGE CHACHKIN: Off the record?

19 MR. TOPEL: I'd like to raise --

20 JUDGE CHACHKIN: Whatever --

21 MR. TOPEL: I'd rather raise it off the record.

22 JUDGE CHACHKIN: All right. We'll go off the  
23 record.

24 (Whereupon, the hearing recessed at 3:51 p.m., to  
25 reconvene on Wednesday, December 8, 1993, at 9:30 a.m.)



**CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER**

IN THE MATTER OF TRINITY BROADCASTING OF FLORIDA, INC.

**Name** AND GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

**Docket No.**

WASHINGTON, D.C.

**Place**

DECEMBER 7, 1993

**Date**

We, the undersigned, do hereby certify that the foregoing pages, numbers 1382 through 1538, inclusive, are the true, accurate and complete transcript prepared from the reporting by ALICE WEHNER in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

December 14, 1993

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Court Reporting Depositions  
D.C. Area 261-1902  
Balt. & Annap. 974-0947